

with regard to proposals listed as RM-10805 thru RM-10811, I wish to comment on an issue not considered by the original proposals.

The issue is the blatant discrimination against individuals with specific or general learning/developmental disabilities(*) that may preclude them from ever learning the code (or by the nature of those disabilities, completely preventing its use). This would apply to RM-10805, RM-10806, RM-10809, RM-10810 and RM-10811.

When the code was an operating necessity, there was legitimate reason to discriminate against those who simply could not, for whatever reason, learn the code. That their operation, did in fact, represent a potential interference to radio traffic and the inability for them to understand or respond to directives from official stations.

Today, however, most operations on the HF bands are conducted either in phone or some digital mode (other than CW). Also, we no longer use official stations as such, and if we did, they would communicate in the mode being used at the time. This means that the requirement to know Morse Code is no longer being maintained out of necessity, but rather, for political reasons (the ITU Treaty). Since maintaining the code requirement is now political (in nature) rather than a technical necessity, it becomes arbitrary and irrelevant.

The reasoning for discrimination against those who cannot learn Morse code is no longer valid and represents an arbitrary discrimination. Since the advent of the Americans with Disabilities Act of 1996 (as amended), this discrimination violates Federal Regulations. However, this violation has been justified by the fact that it was based on an international treaty (which is now no longer the case). Therefore, in my view, ***every day that the FCC maintains the code requirements is a day that it is in non-compliance with the Americans with Disabilities Act of 1996.***

Thus, at this time, I request that you bring the licensing requirements for amateur radio into compliance with Federal Regulations (specifically, the Americans with Disabilities Act of 1996, as amended).

* note: disabilities most likely to prevent the learning or use of CW:

1. Auditory Dyslexia (Auditory Processing Glitch in the human brain that may prevent or confuse/distort sound information/data)
2. Dysnomia: Memory Glitch in the human brain that may prevent, or reduce The ability of a person to acquire, retain or form new memories or properly process new information. This is particularly noted when an individual is asked to remember or process large strings of apha or numeric sequences.
3. ADD/ADHD (Attention Deficit/Attention Deficit Hyperactivity Disorder). inability to maintain sufficient concentration over periods of time required to process lengthy streams of data. Additionally, inability to concentrate on a single task without being easily distracted. This is caused by a brain chemical deficiency and can be corrected to some degree (in mild cases).
4. Auditory/hearing disorders (deafness, etc). This is pretty much self explanatory.